

## Message Text

CONFIDENTIAL

PAGE 01 SANTO 04806 221645Z

44

ACTION L-02

INFO OCT-01 ARA-06 EUR-12 ISO-00 SCCT-01 IO-10 CIAE-00

DODE-00 PM-03 H-01 INR-05 NSAE-00 NSC-05 PA-01 RSC-01

PRS-01 SP-02 SS-15 USIA-06 EB-07 SCA-01 OPR-01 A-01

SY-04 USSS-00 NIC-01 AID-05 /092 W

----- 076940

P R 221500Z NOV 74

FM AMEMBASSY SANTO DOMINGO

TO SECSTATE WASHDC PRIORITY 2098

INFO AMEMBASSY CARACAS

AMEMBASSY PANAMA

AMEMBASSY MADRID

C O N F I D E N T I A L SANTO DOMINGO 4806

E.O. 11652: GDS

TAGS: PINS, DR

SUBJECT: LEGAL RAMIFICATIONS OF HUTCHINSON CASE

REF : A) STATE 255810, B) STATE 245921; C) SD 4366

1. OUR INQUIRIES INDICATE THAT FONOFF AND JUSTICE OFFICIALS IN DOMINICAN REPUBLIC HAVE NOT PURSUED STUDY OF RAMIFICATIONS OF HUTCHINSON CASE BEYOND THINKING REPORTED REF C. FONOFF HAS COME TO NO CONCLUSIONS AS TO NATURE "SAFE CONDUCT" OR EVEN WHETHER THAT TERM APPLIES TO THE ARRANGEMENT UNDER WHICH KIDNAPPERS LEFT THE COUNTRY. THERE HAS BEEN NO FURTHER COURT ACTION SINCE PRESENTATION OF CASE TO JUDGE OF INSTRUCTION IN SANTO DOMINGO, AS REPORTED PARA 2, REF C. FONOFF HAS NO ADDITIONAL INFORMATION AS TO STATUS KIDNAPPERS IN PANAMA AND HAS APPARENTLY NOT SOUGHT CLARIFICATION. QUESTION AS TO WHETHER KIDNAPPERS WOULD BE ENTITLED TO RETURN TO DEFEND THEMSELVES IF TRIED IN DOMINICAN COURT NOW APPEARS ALMOST WHOLLY ACADEMIC. QUESTIONS REPORTED REF C SEEMINGLY ARE NO LONGER BEING ASKED. THUS, IT APPEARS AT THIS JUNCTURE THAT NO FURTHER ACTION IS BEING TAKEN OR THOUGHT BEING GIVEN  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTO 04806 221645Z

TO PURSUING MATTER.

2. IN SPECIFIC REPLY TO OTHER QUESTIONS RAISED REF B:

A) NO GUARANTEES REGARDING SAFE CONDUCT OUT OF THE COUNTRY WERE GIVEN OTHER THAN THOSE OF PRESIDENT BALAGUER AND THE FOREIGN DIPLOMATS. AS NOTED ABOVE AND IN REF C, THERE HAS BEEN NO PROGRESS IN THE DR TOWARD DEFINING THE TERMS OF THE RELEASE.

B) WE HAVE NO FURTHER INFORMATION ON STATUS OF KIDNAPPERS IN PANAMA. SUGGEST REF B BE REPEATED TO PANAMA. WE WILL REMAIN ALERT TO DEVELOPMENTS IN THE DR.

C) THERE HAVE BEEN NO DEVELOPMENTS RE LEGAL CASE AGAINST KIDNAPPERS SINCE LEGAL PROCEEDINGS WERE INSTITUTED, AS REPORTED BY LOCAL PRESS ON OCT. 13. FONOFF BELIEVES COURT MAY HAVE BEEN ORDERED TO DROP CASE. FONOFF HAS NO OPINION OR KNOWLEDGE OF CLAIMS OF TOTHERE STATES, E.G., VENEZUELA, TO JURISDICTION.

3. DIPLOMATIC PARTICIPATION CONSISTED OF ORAL GUARANTEE THAT KIDNAPPERS COULD SAFELY LEAVE DOMINICAN JURISDICTION. AMBIGUITY OF "SAFE CONDUCT," UNCERTAINTY AS TO KIDNAPPERS' STATUS IN PANAMA, LACK OF PRECEDENTS, AND RELUCTANCE OF GODR OFFICIALS TO TRY TO SORT OUT COMPLEXITIES OF THIS CASE MAKE IT UNLIKELY THAT GODR POSITION WILL BECOME VERY MUCH CLEARER IN NEAR FUTURE. THESE FACTORS ALSO MAKE IT DOUBTFUL THAT FINAL DISPOSITION THIS CASE WILL BE ACHIEVED IN A LEGAL CONTEXT. IT IS MORE LIKELY THAT IT WILL CONTINUE TO BE HANDLED IN AN AD HOC AND PRAGMATIC MANNER.  
HURWITCH

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** KIDNAPPING, COURTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 22 NOV 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** KelleyW0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974SANTO04806  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D740339-0331  
**From:** SANTO DOMINGO  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t19741120/aaaaaqfe.tel  
**Line Count:** 92  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION L  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** A) STATE 255810, B) STATE 245921; C)  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** KelleyW0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 14 JUN 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <14 JUN 2002 by cunninfx>; APPROVED <24 MAR 2003 by KelleyW0>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** LEGAL RAMIFICATIONS OF HUTCHINSON CASE  
**TAGS:** PINS, DR, (HUTCHISON, BARBARA)  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005